

Order

Michigan Supreme Court
Lansing, Michigan

December 9, 2009

Marilyn Kelly,
Chief Justice

139160

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

BENJAMIN TAPPEN,
Plaintiff-Appellee,

v

SC: 139160
COA: 290919
Kent CC: 08-002168-NO

CARLTON 54TH LLC, d/b/a
HAMPTON INN,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the May 18, 2009 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 9, 2009

Corbin R. Davis

Clerk